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Permit No. WA0038679

Issuance Date: March 18, 2004
Effective Date: July 1, 2004
Expiration Date: June 30, 2009

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT NO. WA0038679

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504-8711

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

Pacific Functional Fluids, LLC
P.O. Box 1296
Tacoma, Washington 98421-3607

Facility Location:

2244 Port of Tacoma Road,
Tacoma, Washington

Water Body I.D. No.:

WA-10-0020

Industry Type: Petroleum products

Receiving Water:

Blair Waterway via Lincoln Avenue Ditch

Discharge Location:

Latitude: 47° 15' 53" N

Longitude: 122° 23' 28" W

is authorized to discharge in accordance with the special and general conditions which follow.

Kelly Susewind, P.E., P.G.
Southwest Region Manager
Water Quality Program

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.A	Discharge Monitoring Report	Monthly	August 15, 2004
S3.E	Noncompliance Notification	As necessary	Immediate notification and a written report within 30 days of becoming aware of noncompliance.
S4.A	Operations and Maintenance Manual	1/permit cycle	July 1, 2005
S4.B	Reporting Bypasses	As necessary	Immediate notification
S5.C	Modification to Solid Waste Plan	As necessary	within 30 days of modification
S6.	Spill Plan Update	As necessary	within 30 days of modification
S7.A	Acute Toxicity Characterization Data	Quarterly in the third year of permit cycle	within 60 days of sampling date
S7.A	Acute Toxicity Tests Characterization Summary Report	1/permit cycle	90 days following the last characterization sampling event
S7.C	Acute Toxicity TI/TRE Plan	As necessary	within 60 days of establishing toxicity as per Condition S6.B
S9.A1	Letter notifying Ecology that a copy of SWPPP has been submitted to the local municipal operator	1/permit cycle	January 2, 2005
S9.A2	Stormwater Pollution Prevention Plan Modifications	As necessary	at least 30 days prior to implementation of proposed changes.
S9.B2	Notification of Unpermitted non-stormwater to <i>Stormwater Drainage System</i>	As necessary	Immediate notification and a written report within 30 days of becoming aware of the unpermitted discharge.
G1.	Notice of Change in Authorization	As necessary	either prior to or along with any submittal following change in authorization

Permit Section	Submittal	Frequency	First Submittal Date
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	at least 60 days prior to any proposed changes
G5.	Engineering Report for Construction or Modification Activities	As necessary	at least 180 days prior to planned start of construction
G7.	Application for permit renewal	1/permit cycle	January 2, 2009
G8.	Notice of Permit Transfer	As necessary	Within 30 days of a transfer

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Storm water and boiler blowdown Discharges

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge storm water, boiler blowdown, and laboratory wastewater at the permitted location (Outfall 001 and 001B)¹ subject to meeting the following limitations:

Parameter	Maximum Daily ²	
	Outfall 001	Outfall 001B
Copper ³	50 µg/L	22 µg/L
Lead ³	100 µg/L	89 µg/L
Zinc ³	330 µg/L	147 µg/L
Pentachlorophenol	70 µg/L	
pH	6 to 9	6 to 9
Oil and Grease	15 mg/L	

(1) Outfall 001 is defined as the sampling access location after the treatment system and prior to discharging to the City of Tacoma storm sewer. Outfall 001 is for combined discharges of storm water and boiler blowdown or for storm water discharge only. Outfall 001B is physically the same as Outfall 001 except this designation shall be used for discharges of boiler blowdown in absence of any storm water and is generally applicable during non-rainy season.

(2) The maximum daily effluent limitation is defined as the highest allowable daily discharge.

(3) All metals are expressed as total recoverable metals.

B. Dilution Factor Description

For discharge at Outfall 001, the Permittee is allowed a 1 to 7.5 dilution factor in the City of Tacoma storm sewer prior to discharging to the Lincoln Avenue Ditch via the City of Tacoma outfall. No dilution is allowed for Outfall 001B.

S2. MONITORING REQUIREMENTS

A. Monitoring Schedule

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Storm water and boiler blowdown	Flow	gallons	Outfall 001 & 001B	continuous	flow meter
	Copper ^{2,3}	µg/L	Outfall 001 & 001B	1/month	Grab ¹
	Lead ^{2,3}	µg/L	Outfall 001 & 001B	1/month	Grab
	Zinc ^{2,3}	µg/L	Outfall 001 & 001B	1/month	Grab
	Pentachlorophenol ^{2,3}	µg/L	Outfall 001 & 001B	1/month	Grab
	Pentachlorophenol ^{2,3}	µg/L	influent to the carbon column	1/month	Grab
	Oil and Grease	mg/L	Outfall 001 & 001B	1/month	Grab
	pH	Standard Units	Outfall 001 & 001B	1/month	Grab
	Temperature	° F	Outfall 001 & 001B	1/month	Meter
	Acetone ³	µg/L	Outfall 001 & 001B	1/month	Grab
	Methylene Chloride ^{2,3}	µg/L	Outfall 001 & 001B	1/month	Grab
	Arsenic ^{2,3}	µg/L	Outfall 001 & 001B	1/month	Grab
City Outfall	Flow	gallons	City Outfall ⁴	1/2 month	Estimate
	Copper ^{2,3}	µg/L	City Outfall ⁴	1/2 month	Grab
	Lead ^{2,3}	µg/L	City Outfall ⁴	1/2 month	Grab
	Zinc ^{2,3}	µg/L	City Outfall ⁴	1/2 month	Grab
	Pentachlorophenol ^{2,3}	µg/L	City Outfall ⁴	1/2 month	Grab
	Temperature	° F	City Outfall ⁴	1/month	Measurement
WET Testing	See Conditions S7 and S8				

- (1) A grab sample is an individual discrete sample.
- (2) EPA methods specified in 40 CFR Part 136 shall be used for the measurement of effluent concentration of copper, lead, zinc, and arsenic, pentachlorophenol, and methylene chloride. The effluent concentrations of these pollutants must be five times above the method detection limit of the method chosen for the individual pollutants.
- (3) If the measured effluent concentration is below the QL above, the Permittee shall report less than QL and include the QL for the method used.
- (4) Testing of the City of Tacoma storm water outfall to the Lincoln Avenue Ditch shall be conducted on the same date as the Permittee's sampling of Outfall 001. Sampling of the City Outfall should follow that of Outfall 001 and the time interval should be approximately equal to the time for the Permittee's discharge to reach the Lincoln Avenue Ditch.

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

D. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. Crops, soils and hazardous waste data are exempted from this requirement pending accreditation of laboratories for analysis of these media by the Department.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during the previous month shall be summarized and reported on a form provided, or otherwise approved, by the Department, and be postmarked or received no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. The report(s) shall be sent to the Department of Ecology, Southwest Regional Office, P.O. Box 47775, Olympia, Washington 98504-7775

Discharge Monitoring Report (DMR) forms must be submitted monthly whether or not the facility was discharging. If there was no discharge or the facility was not operating during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's self-monitoring reports.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the permit terms and conditions due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, correct the problem and, if applicable, repeat sampling and analysis of any violation immediately and submit the results to the Department within 30 days after becoming aware of the violation;
2. Immediately notify the Department of the failure to comply; and
3. Submit a detailed written report to the Department within thirty days (five days for upsets and bypasses), unless requested earlier by the Department. The report should describe the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

S4. OPERATION AND MAINTENANCE

The Permittee shall at all times be responsible for the proper operation and maintenance of any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit.

A. Operations and Maintenance Manual

An Operations and Maintenance (O&M) Manual shall be prepared by the Permittee in accordance with WAC 173-240-150 and be submitted to the Department within one year after permit effective date

The O&M Manual shall be kept available at the permitted facility and all operators shall follow the instructions and procedures of this Manual.

The O&M Manual shall include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure;
2. Plant maintenance procedures;
3. The treatment plant process control monitoring schedule;

The following information shall be summarized in the initial chapter of the O&M manual. This chapter shall be entitled the "Treatment System Operating Plan." For the purposes of this NPDES permit, a Treatment System Operating Plan (TSOP) is a concise summary of specifically defined elements of the O&M Manual. The TSOP shall not conflict with the O&M Manual and shall include the following information:

1. A baseline operating condition which describes the operating parameters and procedures used to meet the effluent limitations of S1. at the production levels used in developing these limitations. This shall also include the frequency and basis for replacement of the carbon column.
2. In the event of production rates which are below the baseline levels used to establish these limitations, the plan shall describe the operating procedures and conditions needed to maintain design treatment efficiency. The monitoring and reporting shall be described in the plan.
3. In the event of an upset, due to plant maintenance activities, severe stormwater events, start ups or shut downs, or other causes, the plan shall describe the operating procedures and conditions employed to mitigate the upset. The monitoring and reporting shall be described in the plan.
4. A description of any regularly scheduled maintenance or repair activities at the facility which would affect the volume or character of the wastes discharged to the wastewater treatment system and a plan for monitoring and treating/controlling the discharge of maintenance-related materials (such as cleaners, degreasers, solvents, etc.).

This plan shall be updated and submitted, as necessary, to include requirements for any major modifications of the treatment system.

B. Bypass Procedures

The Permittee shall immediately notify the Department of any spill, overflow, or bypass from any portion of the collection or treatment system.

The bypass of wastes from any portion of the treatment system is prohibited unless one of the following conditions (1, 2, or 3) applies:

1. Unavoidable Bypass -- Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

If the resulting bypass from any portion of the treatment system results in noncompliance with this permit the Permittee shall notify the Department in accordance with condition S3.E "Noncompliance Notification."

2. Anticipated Bypass That Has The Potential to Violate Permit Limits or Conditions -- Bypass is authorized by an administrative order issued by the Department. The Permittee shall notify the Department at least 30 days before the planned date of bypass. The notice shall contain (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) if a water quality criteria exceedence is unavoidable, a request for modification of water quality standards as provided for in WAC 173-201A-110, and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of the permit.

- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

- 1. Bypass For Essential Maintenance Without the Potential to Cause Violation of Permit Limits or Conditions -- Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of the permit, or adversely impact public health as determined by the Department prior to the bypass.

S5. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

C. Solid Waste Control Plan

The Permittee shall review its solid waste control plan on an annual basis and submit all proposed revisions or modifications to the solid waste control plan to the Department within 30 days of the proposed changes. The Permittee shall comply with any plan modifications.

S6. SPILL PLAN

The Permittee shall review the existing Spill Plan at least annually and update the Spill Plan as needed. Changes to the plan shall be sent to the Department within 30 days of the modification. The plan and any supplements shall be followed throughout the term of the permit.

Plans and manuals required by 40 CFR Part 112, contingency plans required by Chapter 173-303 WAC, or other plans required by other agencies which meet the intent of this section may be submitted.

S7. ACUTE TOXICITY

A. Effluent Characterization

The Permittee shall conduct acute toxicity testing on the final effluent to determine the presence and amount of acute (lethal) toxicity. The two acute toxicity tests listed below shall be conducted on each sample taken for effluent characterization.

Effluent characterization for acute toxicity shall be conducted every quarter for one year. Acute toxicity testing shall follow protocols, monitoring requirements, and quality assurance/quality control procedures specified in this Section.

Testing shall begin in the second year of the permit effective date. A written report shall be submitted to the Department within 60 days after the sample date. A final effluent characterization summary report shall be submitted to the Department within 90 days after the last monitoring test results are final. This summary report shall include a tabulated summary of the individual test results and any information on sources of toxicity, toxicity source control, correlation with effluent data, and toxicity treatability which is developed during the period of testing.

Acute toxicity tests shall be conducted with the following species and protocols:

- 1) Fathead minnow, *Pimephales promelas* (96 hour static-renewal test, method: EPA/600/4-90/027F)
- 2) Daphnid, *Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna* (48 hour static test, method: EPA/600/4-90/027F). The Permittee shall choose one of the three species and use it consistently throughout effluent characterization.

A dilution series consisting of a minimum of five concentrations and a control shall be used to estimate the concentration lethal to 50 percent of the organisms (LC₅₀). The percent survival in 100% effluent shall also be reported. One of the dilution series must be at and one of the dilution series below *the critical sample concentration* defined below:

A *critical sample concentration* is defined as a sample dilution equivalent to the proportion of LPI's discharge in the combined flow at the City outfall as defined in Condition S1B. This shall be prepared using laboratory dilution water.

The lab shall be instructed to use its standard dilution water to prepare the concentration series and to test with at least four replicates per concentration. The results of a single comparison hypothesis test comparing survival in *the critical sample concentration* to control survival shall be reported for each test. These tests are not being required to determine compliance with an effluent limit. This permit contains no effluent limit for acute whole effluent toxicity.

The Permittee shall immediately implement subsection B if any acute toxicity test determines a statistically significant difference in survival between the control and the *critical sample concentration* using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in survival between the control and the *critical sample concentration* is less than 10 percent, the hypothesis test shall be conducted at the 0.01 level of significance.

B. Response to Significant Toxicity in *critical sample concentration*

The Permittee shall begin additional compliance monitoring within one week from the time of receiving test results showing a statistically significant difference in survival between the control and the *critical sample concentration* as described in subsection A above. This additional monitoring shall be conducted weekly for the next four weeks having sufficient rainfall to provide a sample and using the same test and species that showed a statistically significant reduction in survival in the *critical sample concentration*. The additional monitoring shall be conducted using a series of at least five effluent concentrations of which one concentration must be at and one less than the *critical sample concentration*. The lab shall be instructed to use its standard dilution water to prepare the concentration series and to test with at least four replicates per concentration. The results of a single comparison hypothesis test comparing survival in *critical sample concentration* to control survival shall be reported for each test.

The Permittee shall immediately implement subsection C. if any of the additional monitoring tests shows a statistically significant difference in survival between the control and *critical sample concentration* using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in survival between the control and *critical sample concentration* is less than 10 percent, the hypothesis test shall be conducted at the 0.01 level of significance. These tests are not being required to determine compliance with an effluent limit. This permit contains no effluent limit for acute whole effluent toxicity.

C. Toxicity Identification/Reduction Evaluation (TI/RE)

The Permittee shall submit a Toxicity Identification/Reduction Evaluation (TI/RE) plan to the Department within 60 days from the time of receiving test results showing a statistically significant difference in survival between the control and *critical sample concentration* during the additional monitoring described in subsection B above. The TI/RE plan shall be based on WAC 173-205-100(2) and shall be implemented in accordance with WAC 173-205-100(3). In addition, the TI/RE plan for this discharge may consider factors not applicable to other TI/RE plans. These factors are explained in the permit Fact Sheet.

D. Requirements if No Significant Toxicity is Found in the Effluent Characterization

If none of the effluent characterization tests required in subsection A above shows a statistically significant reduction in survival in *critical sample concentration* relative to the control, then the Permittee shall be considered to have no regulatorily important acute whole effluent toxicity. No further acute WET testing will be required during this permit term unless significant changes occur in facility operations which might, in the Department's opinion, increase effluent toxicity.

E. Sampling and Reporting Requirements

1. All reports for effluent characterization or additional monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.
2. Testing shall be conducted on grab samples. The samples taken for toxicity testing shall be cooled to four degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.
3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.
5. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.
6. All whole effluent toxicity tests that involve hypothesis testing and do not comply with the acute statistical power standard of 29 percent as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

S8. CHRONIC TOXICITY

Reserved. Chronic WET testing may be required in a future permit.

S9. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

The definitions of terms used in this section are provided in the guidance document entitled *Stormwater Pollution Prevention Planning for Industrial Facilities*, which is published by the Department.

The Permittee shall implement all the elements of the existing SWPPP including all operational, treatment and source control BMPs, as well as any erosion and sediment control BMPs determined necessary.

A. General Requirements

1. Submission, Retention and Availability:

The Permittee shall retain the SWPPP on-site or within reasonable access to the site. If stormwater discharge is to a municipal storm sewer system, submit a copy of the SWPPP to the municipal operator of the storm sewer system within 180 days of the effective date of this permit. At the same time a letter shall be submitted to the Department indicating that a copy of the SWPPP has been submitted to the local municipal operator. The SWPPP and all of its modifications shall be signed in accordance with Special Condition S3.I.

2. Modifications:

The Permittee shall modify the SWPPP whenever there is a change in design, construction, operation, or maintenance which causes the SWPPP to be less effective in controlling the pollutants. Whenever the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, the SWPPP shall be modified, as appropriate, within two (2) weeks of such determination. The proposed modifications to the SWPPP shall be submitted to the Department at least 30 days in advance of implementing the proposed changes in the plan unless the Department approves immediate implementation. The Permittee shall provide for implementation of any modifications to the SWPPP in a timely manner.

3. The Permittee may incorporate applicable portions of plans prepared for other purposes. Plans or portions of plans incorporated into a SWPPP become enforceable requirements of this permit.

4. The Permittee shall prepare the SWPPP and all modifications in accordance with the guidance provided in the *Stormwater Pollution Prevention Planning for Industrial Facilities*. The plan shall contain the following elements:

- a. Assessment and description of existing and potential pollutant sources,
- b. A description of the operational BMPs,
- c. A description of selected source-control BMPs,
- d. When necessary, a description of the erosion and sediment control BMPs,
- e. When necessary, a description of the treatment BMPs, and
- f. An implementation schedule.

B. Implementation

The Permittee shall conduct two inspections per year; one during the wet season (October 1 - April 30) and the other during the dry season (May 1 - September 30).

1. The wet season inspection shall be conducted during a rainfall event by personnel named in the Stormwater Pollution Prevention Plan (SWPPP) to verify that the description of potential pollutant sources required under this permit is accurate; the site map as required in the SWPPP has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in stormwater discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate. The wet-weather inspection shall include observations of the presence of floating materials, suspended solids, oil and grease, discoloration, turbidity, odor, etc. in the stormwater discharge(s).
2. The dry season inspection shall be conducted by personnel named in the SWPPP. The dry season inspection shall determine the presence of unpermitted non-stormwater discharges such as domestic wastewater, noncontact cooling water or process wastewater (including *leachate*) to the *stormwater drainage system*. If an unpermitted, non-stormwater discharge is discovered, the Permittee shall immediately notify the Department and submit a written report within 30 days of discovery of the discharge.

C. Plan Evaluation

The Permittee shall evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the terms of the permit or whether additional controls are needed. A record shall be maintained summarizing the results of inspections and a certification, in accordance with Condition S3.I., that the facility is in compliance with the plan and this permit and identifying any incidents of noncompliance.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to the Department, and
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of B.2. must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

“I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

G2. RIGHT OF ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit;

- B. To have access to and copy at reasonable times any records that must be kept under the terms of the permit;
- C. To inspect at reasonable times any monitoring equipment or method of monitoring required in the permit;
- D. To inspect at reasonable times any collection, treatment, pollution management, or discharge facilities; and
- E. To sample at reasonable times any discharge of pollutants.

G3. PERMIT ACTIONS

This permit shall be subject to modification, suspension, or termination, in whole or in part by the Department for any of the following causes:

- A. Violation of any permit term or condition;
- B. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;
- C. A material change in quantity or type of waste disposal;
- D. A material change in the condition of the waters of the state; or
- E. Nonpayment of fees assessed pursuant to RCW 90.48.465.

The Department may also modify this permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports, whenever a material change in the quantity or type of discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least 60 days prior to any proposed changes. Submission of this application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications should be submitted at least 180 days prior to the planned start of construction. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in the permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee must apply for permit renewal at least 180 days prior to the specified expiration date of this permit.

G8. PERMIT TRANSFER

This permit is automatically transferred to a new owner or operator if:

- A. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the Department;
- B. A copy of the permit is provided to the new owner and;
- C. The Department does not notify the Permittee of the need to modify the permit.

Unless this permit is automatically transferred according to section A. above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by the Department.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G11. TOXIC POLLUTANTS

If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation upon such pollutant in the permit, the Department shall institute proceedings to modify or revoke and reissue the permit to conform to the new toxic effluent standard or prohibition.

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department. The Department may revoke this permit if the permit fees established under Chapter 173-224 WAC are not paid.

G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation.